

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 4, 2007

**D050355      People v. Orgega**

The judgment is affirmed. Benke Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D050706      Conservatorship of Amanda B.**

The appeal is dismissed. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

**D050774      In re Patricia E. et al., Juveniles**

The orders are affirmed. McConnell, P.J.; We Concur: McIntyre, J., Irion, J.

**D049715      People v. Briggs**

The judgment is affirmed. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.

**D048681      People v. McNeal**

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 5, 2007

**D050981      Nicole O. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

**D050016      People v. Rinaldi**

The judgment is affirmed. The case is remanded to the trial court so that it may correct the abstract of judgment to show count five as grand theft of personal property (§ 487, subd. (a)) rather than grand theft of a firearm (§ 487, subd. (d)(2)). The court shall forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

**D050483      In re Amana W., a Juvenile**

The court's order denying the section 388 petition is affirmed. Based on the failure to comply with notice provisions of ICWA, the judgment terminating parental rights is reversed. The juvenile court is directed to comply with the notice provisions of the ICWA. If, after proper notice and inquiry, no tribe intervenes, the court shall reinstate the judgment. If a tribe intervenes, the court is directed to conduct a new selection and implementation hearing under section 366.26 in accordance with the ICWA. (See *In re Jonathon S.* (2005) 129 Cal. App.4th 334, 343; *In re Glorianna K.* (2005) 125 Cal.App.4th 1443, 1452; *In re Jonathan D.* (2001) 92 Cal.App.4th 105, 111-112.) Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D049045      People v. Rodriguez**

Judgment affirmed. Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D050657      People v. Willis**

The judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

**D050300      In re Patrick C. a Juvenile**

The order is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

**D051528      Cissna v. Superior Court of San Diego County/People**

The petition is denied.

**D051382      Miranda G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Miranda G. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 5, 2007 (Continued)

**D051336      In re Marriage of Davis**

Pursuant to California Rules of Court, rule 8.140, the appeal filed July 26, 2007, is dismissed for appellant's failure to timely designate the record. (Cal. Rules of Court, rules 8.120(a), 8.130(a)).

**D050792      Ring v. Marradi**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 6, 2007

**D048179      Handlery Hotels, Inc. v. Meza**

The judgment is affirmed. Handlery to recover its costs on appeal. McConnell, P.J.;  
We Concur: Benke, J., McDonald, J.

**D051128      In re Krone on Habeas Corpus**

The petition is denied.

**D050524      People v. Sanders**

Judgment affirmed. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

**D048574      Cates v. California Gambling Control Commission et al.**

The judgment is reversed and remanded and the discovery are affirmed. Plaintiff is awarded costs on appeal. CERTIFIED FOR PUBLICATION. McIntyre J., We Concur: Haller, Acting P.J., O'Rourke, J.

**D049126      Stec v. Ewing**

The court's denial of Ewing's special motion to strike is reversed, and on remand the trial court is directed to enter a new order striking Stec's complaint. The trial court is further instructed to award Ewing the reasonable attorney fees she incurred in the trial court and on appeal. Ewing is awarded her costs on appeal. Benke, J.; We Concur: McConnell, P.J., McDonald, J.

**D048495      People v. Davis**

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., McDonald, J.

**D048928      People v. Bakeer**

The judgment is modified by reversing the conviction of grand theft (Pen. Code, 487, subd. (a)). In all other respects, the judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., Aaron, J.

**D049995      People v. Villegas**

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

**D050065      In re Edgar Daniel C., a Juvenile**

The order is affirmed. McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D046947      In re the Marriage of Whelan**

The opinion filed on August 21, 2007 is modified. There is no change in judgment. The petition for rehearing is denied.

**D051456      Wadley v. Ernst & Young**

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(5).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 6, 2007 (Continued)

**D051127      In re Hillard on Habeas Corpus**

The petition is denied.

**D051542      Carroll v. Superior Court of San Diego County/People et al.**

The hearing scheduled for September 7, 2007, is stayed pending further order of this court. Real parties are directed to file a response to the petition on or before September 13, 2007.

**D050493      Webb v. San Diego Pain Management Clinic et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 7, 2007

**D048105      People v. Matlock**

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.

**D050576      In re Madison I., a Juvenile**

The judgment and order are affirmed. Benke, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D050380      People v. Jimenez**

The guilty verdict on count 3, and the true findings on the gang allegations appended to counts 1, 2 and 5, are reversed. In all other respects, the judgment is affirmed. The matter is remanded for resentencing. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D046614      People v. Bradford**

The judgment is reversed. The case is remanded for retrial. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

**D050544      In re Destiney C., a Juvenile**

The judgment and order are affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D049594      People v. Lozano**

Appellant's conviction in count 5 is reversed; in all other respects the judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

**D049251      Lexin et al. v. Superior Court of San Diego County/People**

The petition is denied. The parties shall bear their own costs in this proceeding. CERTIFIED FOR PUBLICATION. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

**D047382      O'Sullivan v. City of San Diego**

The judgment is affirmed. O'Sullivan is entitled to costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., Irion, J.

**D049728      In re T. G., a Juvenile**

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

**D050498      In re Kevin T. et al., a Juvenile**

The judgments and order are affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D051367      State Farm Mutual Automobile Insurance Company v. Superior Court of San Diego County/Gallagher et al.**

The petition is denied without prejudice to refile after further proceedings in superior court, if appropriate.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 7, 2007 (Continued)

**D051532      Imperial County Department of Social Services v. Superior Court of San Diego County/Gyno A.**

The petition for writ of extraordinary relief and request for stay have been read and considered by Justices Huffman, Haller and O'Rourke. The petition is denied. We expect the trial court will resolve the ICWA issue before proceeding to the Welfare and Institutions Code section 366.26 hearing.